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**AMERICAN BOOKSELLERS ASSOCIATION AND
BARNES & NOBLE, INC.**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPLE, INC.; HACHETTE BOOK GROUP,
INC.; HARPERCOLLINS PUBLISHERS
L.L.C.; VERLAGSGRUPPE GEORG VON
HOLTZBRINCK GMBH; HOLTZBRINCK
PUBLISHERS, LLC d/b/a/ MACMILLAN;
THE PENGUIN GROUP, A DIVISION OF
PEARSON PLC; PENGUIN GROUP (USA),
INC.; and SIMON & SCHUSTER, INC.,

Defendants.

Civil Action No. 1:12-CV-2826

**MOTION OF AMERICAN BOOKSELLERS
ASSOCIATION AND BARNES & NOBLE,
INC. FOR LEAVE TO FILE *AMICI CURIAE*
RESPONSES TO THE U.S. DEPARTMENT
OF JUSTICE TUNNEY ACT FILINGS**

PLEASE TAKE NOTICE that upon the accompanying Declaration of David N. Wynn, dated July 31, 2012, the exhibits thereto, and the Memorandum of Law in Support of Motion, Proposed *Amici Curiae* American Booksellers Association (“ABA”) and Barnes & Noble, Inc. (“Barnes & Noble”) hereby move this Court, before the Honorable Denise L. Cote, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007-1312, for

an order permitting ABA and Barnes & Noble to file and serve Responses of *Amici Curiae* to the U.S. Department of Justice's ("DOJ's") July 23, 2012 Response to Public Comments and its August 3, 2012 motion to enter the Proposed Final Judgment, and to participate in any hearing on the DOJ's motion, together with such other and further relief as the Court may deem just, proper and equitable.

Dated: July 31, 2012

Respectfully submitted,

By: /s/ David N. Wynn

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